

12/10/2007 15:05 IFAX astoll@nyc.rr.com

+ Nicole Bellina 001/004

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIDER TORRES,

07-CV-3473 (GEL)

Plaintiff,

-against-

ORDER OF SETTLEMENT
AND DISMISSAL OF ACTIONTHE CITY OF NEW YORK, DEPARTMENT OF
CORRECTION COMMISSIONER MARTIN F.
BORN, CHIEF CAROLYN THOMAS, DEPUTY WARDEN
ROBERT SHAW, #317 g.n.c., CORRECTION OFFICER
JACK MIDDLETON, SHIELD #13108, CAPTAIN
TABETHA RUGBART, SHIELD #518, CORRECTION
OFFICER SANCHEZ, #19117

Defendants.

ECF

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/14/07

WHEREAS, plaintiff Tider Torres commenced this action by filing a complaint on or about May 1, 2007; and

WHEREAS, defendants served plaintiff Tider Torres with a Rule 68 Offer of Judgment on November 15, 2007, attached herewith; and

WHEREAS, plaintiff Tider Torres accepted defendant's Rule 68 Offer of Judgment on November 21, 2007, acceptance attached herewith; and

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. All claims in the above-referenced action asserted by plaintiff Tider Torres are hereby dismissed pursuant to Rule 68 of the Federal Rules of Civil Procedure and the terms of the Rule 68 Offer of Judgment made by defendants to Tider Torres on November 15, 2007.

SO ORDERED:


GERARD E. LYNCH, U.S.D.J.

12/14/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
TIDER TORRES,

Plaintiff,

-against-

**RULE 68 OFFER OF
JUDGMENT**

THE CITY OF NEW YORK, DEPARTMENT OF
CORRECTION COMMISSIONER MARTIN F.
HORN, CHIEF CAROLYN THOMAS, DEPUTY
WARDEN ROBERT SHAW, #317 GRAC
CORRECTION OFFICER JACK MIDDLETON,
SHIELD #13108, CAPTAIN TABETHA
RUGBART, SHIELD #518, CORRECTION
OFFICER SANCHEZ, #19117

07 CV 3473 (GEL)(GWG)

Defendants.
----- X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant City hereby offers to allow plaintiff TIDER TORRES to take judgment against it in this action for the sum of THREE THOUSAND and ONE (\$3,001.00) DOLLARS, plus reasonable attorneys' fees and costs to the date of this offer.

This judgment shall be in full satisfaction of all claims or rights that plaintiff TIDER TORRES may have to damages, or any other form of relief, arising out of the alleged acts or omissions of the defendant City of New York, or any official or employee, either past or present, of the City of New York, or any agency thereof, or the City of New York in connection with the facts and circumstances that are the subject of this action.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure, and is not to be construed as an admission of liability by any defendant,

official or employee of the City of New York, or the City of New York; nor it is an admission that plaintiff TIDER TORRES has suffered any damages.

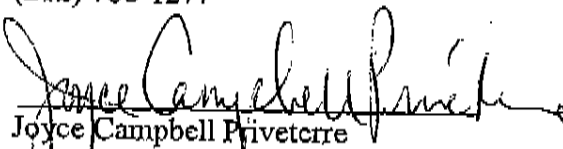
Acceptance of this offer of judgment will act to release and discharge the defendant; its successors and assigns; and all past and present officials, employees, representatives and agents of the New York City Police Department and the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff TIDER TORRES in the above-referenced action

By accepting this offer, plaintiff agrees to waive any claim of post-judgment interest. The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
November 14, 2007

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants City, Horn, Thomas,
Shaw, Middleton & Rugbart
100 Church Street, Room 3-148
New York, New York 10007
(212) 788-1277

By:


Joyce Campbell Privetierre
Assistant Corporation Counsel

To:

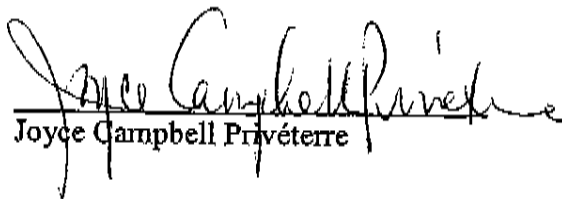
Nicole M. Bellina, Esq.
Stoll, Glickman & Bellina
Attorneys for Plaintiff
71 Nevins Street
Brooklyn, New York 11217
Tel: (718) 852-4491

DECLARATION OF SERVICE

I, Joyce Campbell Priv  terre, declare, pursuant to 28 U.S.C.  1746, under penalty of perjury that on November 14, 2007, I served the annexed **RULE 68 OFFER OF JUDGMENT** upon the following counsel of record by depositing a copy of same in a postage paid United Parcel Service envelope and depositing it in a United Postal Service receptacle, directed to said attorney at the address said below being the address designated by said attorney for that purpose.

Nicole M. Bellina, Esq
Stoll, Glickman & Bellina
Attorneys for Plaintiff
71 Nevins Street
Brooklyn, New York 11217
Tel: (718) 852-4491

Dated: New York, New York
November 14, 2007


Joyce Campbell Priv  terre

07 CV 3473 (GEL)(GWG)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIDER TORRES,

Plaintiff,

-against-

THE CITY OF NEW YORK, DEPARTMENT
OF CORRECTION COMMISSIONER
MARTIN F. HORN, CHIEF CAROLYN
THOMAS, DEPUTY WARDEN ROBERT
SHAW, #317 G.R.V.C., CORRECTION
OFFICER JACK MIDDLETON, SHIELD
#13108, CAPTAIN TABETHA RUGBART,
SHIELD #518, CORRECTION OFFICER
SANCHEZ, #19117

Defendants.

RULE 68

MICHAEL A. CARDOZO

*Attorney for Defendants City, Horn, Thomas, Shaw,
Middleton & Rugbart
100 Church Street, Room 3-148
New York, N.Y. 10007*

*Of Counsel: Joyce Campbell Priv  terre
Tel: (212) 788-1277
NYCLIS No.*

*Due and timely service is hereby Admitted.
New York, N.Y. November 14, 2007
Joyce Campbell Priv  terre, Esq.*